THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22816 of 2006

15.11.2006

Between:

Kakani Chandra Babu, S/o.Sunderaiah

... Petitioner

AND

The Revenue Divisional Officer, Nellore
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22816 of 2006

ORDER:

The petitioner is allegedly in occupation of land admeasuring Acs.3.21 in survey No.748 of Nedurupally village of Podalakuru Mandal in Nellore District for the last seven years. He is a landless poor person, he brought the land under cultivation and raising sunflower, black gram etc. His contention is that by reason of his long possession and as he is a landless poor person, he is entitled for assignment of the agricultural land, which is in his occupation. The petitioner alleges that without evicting him and without considering his claim for assignment, respondents 1 and 2 granted pattas in favour of respondents 3 and 4 in respect of the same land. Aggrieved by the same, the present writ petition is filed seeking a writ of Mandamus directing the respondents 1 and 2 not to evict the petitioner from the land.

After getting instructions, learned Assistant Government Pleader for Revenue (General-A) submits that the Revenue Divisional Officer (RDO), Nellore, has leased out the land to respondents 3 and 4 in January 2004 by proceedings No.281/2005. He however does not dispute that under Board Standing Orders or the relevant revenue laws, RDO has no power to lease out land. Be that as it is, as the petitioner's possession is not specifically denied, he is given liberty to make an application to the Mandal Revenue Officer (MRO), Podalakuru Mandal–the second respondent herein; who is directed to consider such application and pass appropriate orders regarding claim of the petitioner for assignment of the land. This exercise may be completed within a period of three weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

November 15, 2006

YS